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EXAMINER

NGUYEN, DUC MINH

ART UNIT PAPER NUMBER

2643

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,780

Applicant(s)

CHIEN, HERMAN

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "shared modem pool" in lines 7, 15-16, 18, 22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2643

4. Claims 1-4, 6-8, 10-12, 14-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schessel (6,304,566).

Consider claims 1, 6. Schessel teaches a method of billing a telephone call made through a shared local access network (internet access through IP network; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) that shares at least one modem (modem pool; column(s) 1, line(s) 29-50; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) among multiple users, the method comprising receiving request from one of the users of the shared local access network to place a telephone call through the shared modem to a public telephony network (see steps 218, 220, 222, 224, fig(s). 2), wherein the request includes a telephone number of the user (subscriber's E.164, step 220), and wherein the shared local access network and shared modem together provide shared access to the public telephony network (column(s) 1, line(s) 29-50); before the telephone call is placed through the shared modem, authenticating the request as coming from a valid user of the shared local access network based at least in part on user identifying information for the user (step 220, the use of subscriber's PIN; column(s) 6, line(s) 4-7), and without requesting and requiring user input before each telephone call (column(s) 6, line(s) 4-7), wherein the authenticating is not performed at a destination associated with the telephone call (steps 220 is performed at the access network or IP network), and wherein the telephone call placed through the shared modem to the public telephone network includes the user's telephone number (subscriber's E.164; see step 220) in addition to, or in lieu of, any telephone number associated with the shared modem; correlating the user identifying information with the billing information associated with the user (column(s) 4, line(s) 56-62, see

Art Unit: 2643

fig(s). 1A), including the user's telephone number; and forwarding call charge information from the public telephone network so that the user is billed for the call, while other users of the shared modem are separately billed for telephone calls they placed (AMIN. Database 33 sends billing information to billing system (not labeled), see fig(s) 1A; column(s) 4, line(s) 56 through column(s) 5, line(s) 32; column(s) 5, line(s) 65 through column(s) 6, line(s) 46).

Consider claims 2-4. Schessel's column(s) 5, line(s) 10-32 read on the limitations of claims 2-4.

Consider claims 7-8. Schessel's column(s) 5, line(s) 10-32 read on the limitations of claims 7-8.

Consider claims 10-12, 14. Schessel teaches a method of billing a telephone call made through a shared local access network (internet access through IP network; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) that shares at least one modem (modem pool; column(s) 1, line(s) 29-50; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) among multiple users, the method comprising receiving request from one of the users of the shared local access network to place a telephone call through the shared modem to a public telephony network (see steps 218, 220, 222, 224, fig(s). 2), wherein the request includes a telephone number of the user (subscriber's E.164, step 220), and wherein the shared local access network and shared modem together provide shared access to the public telephony network (column(s) 1, line(s) 29-50); before the telephone call is placed through the shared modem, authenticating the request as coming from a valid user of the shared local access network based at least in part on user identifying information for the user (step 220, the use of subscriber's PIN; column(s) 6, line(s) 4-7), and without requesting and requiring user input before each telephone call (column(s) 6,

Art Unit: 2643

line(s) 4-7), wherein the authenticating is not performed at a destination associated with the telephone call (steps 220 is performed at the access network or IP network), and wherein the telephone call placed through the shared modem to the public telephone network includes the user's telephone number (subscriber's E.164; see step 220) in addition to, or in lieu of, any telephone number associated with the shared modem; correlating the user identifying information with the billing information associated with the user (column(s) 4, line(s) 56-62, see fig(s). 1A), including the user's telephone number; and forwarding call charge information from the public telephone network so that the user is billed for the call, while other users of the shared modem are separately billed for telephone calls they placed (AMIN. Database 33 sends billing information to billing system (not labeled), see fig(s) 1A; column(s) 4, line(s) 56 through column(s) 5, line(s) 32; column(s) 5, line(s) 65 through column(s) 6, line(s) 46). Schessel further teaches providing the user's telephone number if the user's telephone number is not provided via the telephone call (converting the IP address to E.164 telephone number; column(s) 5, line(s) 3-24; column(s) 6, line(s) 1-37).

Consider claim 15. Schessel teaches a method of billing a telephone call made through a shared local access network (internet access through IP network; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) that shares at least one modem (modem pool; column(s) 1, line(s) 29-50; column(s) 3, line(s) 50 through column(s) 4, line(s) 16) among multiple users, the method comprising receiving request from one of the users of the shared local access network to place a telephone call through the shared modem to a public telephony network (see steps 218, 220, 222, 224, fig(s). 2), wherein the request includes a telephone number of the user (subscriber's E.164, step 220), and wherein the shared local access network and shared modem together provide

Art Unit: 2643

shared access to the public telephony network (column(s) 1, line(s) 29-50); before the telephone call is placed through the shared modem, authenticating the request as coming from a valid user of the shared local access network based at least in part on user identifying information for the user (step 220, the use of subscriber's PIN; column(s) 6, line(s) 4-7), and without requesting and requiring user input before each telephone call (column(s) 6, line(s) 4-7), wherein the authenticating is not performed at a destination associated with the telephone call (steps 220 is performed at the access network or IP network), and wherein the telephone call placed through the shared modem to the public telephone network includes the user's telephone number (subscriber's E.164; see step 220) in addition to, or in lieu of, any telephone number associated with the shared modem; correlating the user identifying information with the billing information associated with the user (column(s) 4, line(s) 56-62, see fig(s). 1A), including the user's telephone number; and forwarding call charge information from the public telephone network so that the user is billed for the call, while other users of the shared modem are separately billed for telephone calls they placed (AMIN. Database 33 sends billing information to billing system (not labeled), see fig(s) 1A; column(s) 4, line(s) 56 through column(s) 5, line(s) 32; column(s) 5, line(s) 65 through column(s) 6, line(s) 46).

Consider claim 16. Schessel further teaches placing of the telephone call via the modem includes supplying the billing information associated with the user to the PSTN (e.g., forwarding the E.164 telephone number to the PSTN, column(s) 4, line(s) 54-62. It is noted that the telephone number is part of the billing information).

Consider claim 18. The method as taught by Schessel is inherently performed for each of multiple users of the network who would like to access an ISP via a modem pool.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 9, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schessel (6,304,566) in view of Ensor et al (5,721,780).

Consider claims 5, 9, 13, 17. Schessel does not teach that the network comprises a wireless network.

Ensor teaches the network comprises a wireless network (column(s) 3, line(s) 31-50) for the purposes of provide a password security system for securing access to a telecommunications network (column(s) 2, line(s) 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ensor into the teachings of Schessel for the purposes mentioned above.

Response to Arguments

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

7/8/05